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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/721,506	11/22/2000	Thomas R. Cech	015389-002616US	5211

34151 7590 02/28/2006

TOWNSEND AND TOWNSEND AND CREW LLP
8TH FLOOR
TWO EMBARCADERO CENTER
SAN FRANCISCO, CA 94111

EXAMINER

SISSON, BRADLEY L

ART UNIT PAPER NUMBER

1634

DATE MAILED: 02/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Interview Summary	Application No. 09/721,506	Applicant(s) CECH ET AL.	
	Examiner Bradley L. Sisson	Art Unit 1634	

All participants (applicant, applicant's representative, PTO personnel):

(1) Bradley L. Sisson. (3) _____.

(2) J. Michael Schiff, Reg. No. 40,253. (4) _____.

Date of Interview: 21 February 2006.

Type: a) ☒ Telephonic b) ☐ Video Conference
c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☒ Yes e) ☐ No.

If Yes, brief description: Draft amendment to claims; copy attached hereto.

Claim(s) discussed: 75, 80, and 106.

Identification of prior art discussed: _____.


Agreement with respect to the claims f) ☒ was reached. g) ☐ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See Continuation Sheet.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.


Examiner's signature, if required

Summary of Record of Interview Requirements

Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews

Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Mr. Sisson indicated that upon consultation with TQAS, he was advised that the lower limit on percent identity was 95%, as is set forth in Example 14 of the written description guidelines. Mr. Sisson indicated that the aspect of percent identity is not clear as to what it is in reference to, noting that it could be with respect to the amino acid sequence, or to the immunogenicity of the native protein. Mr. Schiff indicated that it was in reference to the amino acid sequence and would be willing to add language to the claim clarifying this aspect. Mr. Schiff indicated that he would give further consideration to the aspect of amending claims 75 and 83 to reflect a percent identity of at least 95%.



GERON CORPORATION

230 Constitution Drive
Menlo Park, CA 94025
Telephone: 650 473-7700
Facsimile: 650 473-7750

Facsimile Transmittal Sheet

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Date: February 16, 2006

To: Bradley L. Sisson, Ph.D.
U.S. Patent & Trademark Office
Phone: 571-272-0751
Fax: 571-273-0751

From: J. Michael Schiff
Geron Corporation
Phone: 650-473-7715
Fax: 650-473-8654

Number of pages including cover: 3 (last page marked)

*Re: USSN 09/721,506
Telomerase Reverse Transcriptase
Our docket 018/210c*

Proposed claim amendments

*Michael Schiff
Cell phone: 650-440-0664*

FOR DISCUSSION PURPOSES ONLY

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**Nucleic Acid Encoding Homologs of
Human Telomerase Reverse Transcriptase**

USSN 09/721,506

Docket 018/210c

Proposed amendments

1 to 74. **CANCELLED**

75. An isolated, synthetic, substantially pure, or recombinant polynucleotide comprising a nucleic acid sequence that encodes a telomerase reverse transcriptase (TRT) protein, or the exact complement of said nucleic acid sequence;

wherein said TRT protein is identified by the criteria that it has telomerase catalytic activity when complexed with a telomerase RNA, and contains an amino acid sequence that is at least 80% identical to the full length of SEQ. ID NO:2.

76. The polynucleotide of claim 75, comprising a promoter sequence operably linked to the sequence that encodes the protein.

77. An isolated cell comprising the recombinant polynucleotide of claim 75.

78. The cell of claim 77, which is a eukaryotic cell.

79. **CANCELLED**

80. *(Withdrawn)* A method of increasing the proliferative capacity of a cell in vitro, comprising expressing in the cell a polynucleotide according to claim 75.

81. **CANCELLED**

82. **CANCELLED**

83. An isolated, synthetic, substantially pure, or recombinant polynucleotide comprising a nucleic acid sequence that encodes a TRT protein, or the exact complement of said nucleic acid sequence;

wherein said TRT protein is identified by the criteria that it has telomerase catalytic activity when complexed with a telomerase RNA, and contains an amino acid sequence that is at least 90% identical to the full length of SEQ. ID NO:2.

84. The polynucleotide of claim 83, comprising a promoter sequence operably linked to the sequence that encodes said TRT protein.

85. An isolated cell comprising the recombinant polynucleotide of claim 83.

86. The cell of claim 85, which is a eukaryotic cell.

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87. **CANCELLED**

88. *(Withdrawn)* A method of increasing the proliferative capacity of a cell *in vitro*, comprising expressing in the cell a polynucleotide according to claim 83.

89-90. **CANCELLED**

91. ~~*(Currently amended)* An isolated, synthetic, substantially pure, or recombinant polynucleotide comprising a nucleic acid sequence that encodes a TRT protein, or the exact complement of said nucleic acid sequence; wherein said TRT protein has telomerase catalytic activity when complexed with a telomerase RNA, and contains an amino acid sequence that is at least 80% identical to 500 contiguous amino acids in SEQ. ID NO:2.~~

92. ~~The polynucleotide of claim 91, comprising a promoter sequence operably linked to the sequence that encodes said TRT protein.~~

93. ~~An isolated cell comprising the recombinant polynucleotide of claim 91.~~

94. ~~The cell of claim 93, which is a eukaryotic cell.~~

95. **CANCELLED**

96. ~~*(Withdrawn)* A method of increasing the proliferative capacity of a cell, comprising expressing in the cell a polynucleotide according to claim 91.~~

97 to 100. **CANCELLED**

101. The polynucleotide of claim 75, wherein said TRT protein contains a sequence that is at least 95% identical to ~~400 contiguous amino acids in the full length of~~ SEQ. ID NO:2.

102. The polynucleotide of claim 75, wherein said TRT protein contains a sequence that is at least 98% identical to ~~400 contiguous amino acids in the full length of~~ SEQ. ID NO:2.

103. ~~The polynucleotide of claim 75, wherein said TRT protein contains a sequence that is at least 95% identical to 500 contiguous amino acids in SEQ. ID NO:2.~~

104. ~~The polynucleotide of claim 75, wherein said TRT protein contains a sequence that is at least 98% identical to 500 contiguous amino acids in SEQ. ID NO:2.~~

105. *(New)* An isolated, synthetic, substantially pure, or recombinant polynucleotide comprising a nucleic acid sequence that encodes at least 100 contiguous amino acids of SEQ. ID NO:2, which is immunogenic for an antibody against SEQ. ID NO:2.

106. *(New)* An isolated, synthetic, substantially pure, or recombinant polynucleotide comprising a nucleic acid sequence that encodes a protein that is at least 95% identical to full-length SEQ. ID NO:2, which is immunogenic for an antibody against SEQ. ID NO:2.

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